



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,204	05/09/2001	Naoya Suzuki	450100-03212	3885

20999 7590 06/29/2005  
FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/852,204

Applicant(s)

SUZUKI, NAOYA

Examiner

Julio R Perez

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,12,14,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,12,14,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 6) <input checked="" type="checkbox"/> Other: <u>Examiner's Amendment</u> .             |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3 -7, 12, 14, 17-18, have been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (60555070) in view of Criss et al. (20020123335).

Regarding claim 1, Nielsen discloses an update monitoring apparatus, comprising: monitoring processing means for monitoring a update state of said contents stored in a prescribed server (col. 2, lines 39-53, an apparatus monitors changes of contents on server residing on a network); wherein update notification signal includes data indicating said at least locations of contents to be monitored (col. 2, lines 46-61, location of contents located in a server are monitored for changes and related of the changes to the user).

Nielsen does not explicitly disclose the upgrading apparatus, storing means for storing data indicating at least locations of contents to be monitored and a communication identifier of a mobile communication terminal, which is informed of update of said contents; and notifying means for transmitting an update notification

Art Unit: 2681

signals which indicates that said contents have been updated, to said mobile communication terminal over a radio telephone communication circuit network.

Nielsen relates an apparatus for monitoring updates in content on a network with an update monitor service server configured to inform computer users about changes in the contents, stored in a server, except that users are PC users as opposed to mobile communication terminals, as recited in the claim (col. 2, lines 46-53).

Criss et al. teach wireless software upgrades in a wireless communication system to mobile communication devices (col. 2, lines 55-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made implement the communication system as taught by Nielsen by implementing the system with the capability of providing information of updates on a server to mobile devices because it would provide Nielsen's system with an improved portable hybrid communication system.

Regarding claim 17, the combination of Nielsen and Criss teaches, wherein said communication identifier includes a telephone number of the mobile communication terminal (Criss, col. 2, lines 55-67).

Regarding claim 18, the combination of Nielsen and Criss teaches, wherein the telephone number of the mobile communication terminal is used to transmit and receive electronic mail messages (Nielsen, col. 5, lines 6-40).

3. Claims 3-7, 12, 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (60555070) in view of Nodoushani et al. (6144849).

Regarding claim 3, Nielsen discloses notifying means for notifying a user with an update notification signal that contents to be monitored have been updated (col. 2, lines 39-53); and radio transmitting means for transmitting an acquisition instructing signal to instruct acquisition of said contents, to a prescribed information processing apparatus (col. 4, lines 60-67; col. 5, lines 1-5, 21-30).

Nielsen does not explicitly disclose the radio communication means for connecting by radio over a radiotelephone communication circuit network to perform communications.

Nodoushani et al. teach an object-oriented over the air service provisioning system (col. 1, lines 25-38; col. 3, lines 8-20; fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made implement the communication system as taught by Nielsen by implementing the system with the capability of providing information of updates on a server to mobile communication devices over telephone communication circuit network because it would provide Nielsen's system with an improved portable hybrid communication system that can relay a cellular call over a land line or a land line call over a cellular network.

Regarding claim 4, the combination of Nielsen and Nodoushani discloses, wherein said notifying means shows that said contents have been updated, on a display screen (Nielsen, col. 5, lines 21-40).

Regarding claim 5, the combination of Nielsen and Nodoushani discloses, wherein said acquisition instructing signal has data indicating at least locations of said contents (Nielsen, col. 5, lines 21-40).

Regarding claim 6, the combination of Nielsen and Nodoushani discloses, wherein said radio communication means download said contents according to a download instruction signal, which is received from said prescribed information processing apparatus over said radio transmitting means, and said radio transmitting means transmits said downloaded contents to said prescribed information processing apparatus (Nielsen, col. 2, lines 46-61; col. 5, lines 21-40).

Regarding claim 7, the combination of Nielsen and Nodoushani discloses, further comprising operation-inputting means for instructing transmission of said acquisition instructing signal (Nielsen, col. 2, lines 46-61; col. 5, lines 21-40).

Claims 3-7, 12, 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (60555070) in view of Nodoushani et al. (6144849).

Regarding claims 12, Nielsen discloses an update notification system, for notifying a user with an update notification signal that contents to be monitored that is received by connecting by radio, and for transmitting an acquisition instructing signal to instruct acquisition of said contents by radio transmitting means, to a prescribed information processing apparatus (col. 2, lines 28-61; col. 5, lines 21-40).

Nielsen does not explicitly disclose an update monitoring apparatus for storing data indicating at least locations of said contents to be monitored and a communication identifier of said mobile communication terminal which is informed of update of said

Art Unit: 2681

contents, and for transmitting said update notification signal to said mobile communication terminal over said radio telephone communication circuit network when said contents stored in a prescribed server is updated; and an information processing apparatus for receiving said acquisition instructing signal to instruct acquisition of said content by radio transmitting means, transmitted from said mobile communication terminal, and for acquiring said contents from said prescribed server based on said acquisition instructing signal over said mobile communication terminal.

Nielsen relates an apparatus for monitoring updates in content on a network with an update monitor service server configured to inform PC users about changes in the contents, stored in a server, except that users are PC users as opposed to mobile communication terminals, as recited in the claim (col. 2, lines 46-53).

Nodoushani et al. teach an object-oriented over the air service provisioning system to mobile communication terminals and over a PSTN, corresponding to a circuit network (col. 1, lines 25-38; col. 3, lines 8-20; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made implement the communication system as taught by Nielsen by implementing the system with the capability of providing information of updates on a server to mobile communication devices over telephone communication circuit network because it would provide Nielsen's system with an improved portable hybrid communication system that can relay a cellular call over a land line or a land line call over a cellular network.

Regarding claim 14, Nielsen discloses a contents acquisition instructing method, comprising: a receiving step of receiving an update notification signal to make a notice that contents stored in a prescribed server have been updated (col. 2, 39-61); a notifying step of notifying a user with said update notification signal received, that said contents have been updated (col. 2, lines 50-53); a first transmitting step of transmitting an acquisition instructing signal to instruct acquisition of said contents updated, to a prescribed information processing apparatus (col. 5, lines 21-40); a downloading step of downloading said contents according to a download instructing signal which received from said prescribed information processing apparatus by radio (col. 2, 39-61; col. 5, lines 21-40); and a second transmitting step of transmitting said downloaded contents to said prescribed information processing apparatus (col. 2, 39-61; col. 5, lines 21-40).

Nielsen does not explicitly disclose for connecting over a radiotelephone communication circuit network for notification.

Nodoushani et al. teach an object-oriented over the air service provisioning system over PSTN (col. 1, lines 25-38; col. 3, lines 8-20; fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made implement the communication system as taught by Nielsen by implementing the system with the capability of providing information of updates on a server to mobile communication devices over telephone communication circuit network because it would provide Nielsen's system with an improved portable hybrid communication system that can relay a cellular call over a land line or a land line call over a cellular network.



### EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows: The application has been amended as follows:

In the claims:

Claim 1, line 5, "a update" has been changed to "**an** update."

Claim 18, line 1 "to claim **18**" has been changed to "to claim **17**"

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Pub. No. 2020123335 to Luna et al.

Provisioning a mobile station over wireless networks.


US RES 38645 to O'Sullivan

Portable hybrid communication system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JP  
5/15/05

  
**EMMANUEL L. MOISE**  
SUPERVISORY PATENT EXAMINER